

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BENJAMIN JOHN BROKAW,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 18-cv-1154-SMY
)	
ERICH TUCKER, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

Plaintiff Benjamin John Brokaw is a former inmate of the Illinois Department of Corrections (“IDOC”). He filed this lawsuit pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights were violated during his incarceration. On September 19, 2022, the parties reached a settlement on Brokaw’s excessive force claims against the Defendants. The Court entered an order giving the parties 90 days to finalize the settlement and requesting a status report by November 19, 2022 (Doc. 103). On November 18, 2022, the parties filed a status report and joint motion for extension of time to finalize the settlement because Brokaw had been released from custody, was homeless, and had not been in contact with his Counsel to execute the settlement documents (Doc. 104).

During a status conference held on March 8, 2023, Plaintiff’s Counsel reported that Brokaw has not contacted him since October 2022 and that Counsel does not have a contact number or address for him. As a result, Counsel has been unable to communicate with Brokaw or send the settlement documents to him for execution. Brokaw has also not had communication with the Court since September 2022. The Office of the Attorney General advised Plaintiff’s Counsel and

the Court that it will honor the settlement reached should Brokaw act to consummate the agreement.

The Court has an obligation to manage its docket. In that vein and given the fact that the parties have reached a settlement agreement, the age of this case, the uncertainty surrounding Brokaw's circumstances, and the State's assurance that it will honor the settlement agreement upon receipt of the executed settlement documents, this case is **DISMISSED with prejudice** over Plaintiff's Counsel's objection. The Clerk of Court is **DIRECTED** to close the case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: March 8, 2023

The image shows a handwritten signature in black ink that reads "Staci M. Yandle". The signature is written over a circular official seal. The seal features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The text "UNITED STATES DISTRICT COURT" is written in a circle around the eagle, and "SOUTHERN DISTRICT OF FLORIDA" is written at the bottom.

STACI M. YANDLE
United States District Judge